





Robert Greene Sterne Edward J. Kessler Jorge A. Goldstein David K.S. Cornwell Robert W. Esmond Tracy-Gene G. Durkin Michele A. Cimbala Michael B. Ray Robert E. Sokohl Eric K. Steffe Steven R. Ludwig John M. Covert Linda E. Alcorn Robert C. Millonig Lawrence B. Bugaisky Donald J. Featherstone Michael V. Messinger

Judith U. Kim Timothy J. Shea, Jr. Patrick E. Garrett Jeffrey T. Helvey Heidi L. Kraus Albert L. Ferro* Donald R. Banowit Jeffrey S. Weaver
Kendrick P. Patterson
Vincent L. Capuano
Eldora Ellison Floyd
Thomas C. Fiala
Brian J. Del Buono
Virgil Lee Beaston
Theodore A. Wood Theodore A. Wood Elizabeth J. Haanes

Jason D. Eisenberg Michael D. Specht Andrea J. Kamage Tracy L. Muller* LuAnne M. DeSantis Ann E. Summerfield Aric W. Ledford* Helene C. Carlson Timothy A. Doyle* Gaby L. Longsworth Nicole D. Dretar

Joseph S. Ostroff Frank R. Cottingham Christine M. Lhulier Rae Lynn P. Guest George S. Bardmesse Daniel A. Klein*

Ted J. Ebersole Jyoti C. Iyer* Laura A. Vogel

Registered Patent Agents • Karen R. Markowicz Nancy J. Leith Matthew J. Dowd Aaron L. Schwartz Katrina Yujian Pei Quach Bryan L. Skelton Robert A. Schwartzman Teresa A. Colella Jeffrey S. Lundgren Victoria S. Rutherford Michelle K. Holoubek Robert H. DeSelms Simon J. Elliott

Julie A. Heider Mita Mukherjee Scott M. Woodhouse Michael G. Penn Christopher J. Walsh

<u>Of Counsel</u> Kenneth C. Bass III Evan R. Smith Marvin C. Guthrie

*Admitted only in Maryland *Admitted only in Virginia *Practice Limited to Federal Agencies

August 23, 2004

WRITER'S DIRECT NUMBER: (202) 772-8831 INTERNET ADDRESS: JWEAVER@SKGF.COM

Art Unit 2171

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Re:

U.S. Utility Patent Application

Application No. 10/758,282; Filed: January 16, 2004

Method and System for Downloading Network Data at a Controlled

Data Transfer Rate (as amended)

Inventors:

Cooper et al.

Our Ref:

2018.0050001

Sir:

Transmitted herewith for appropriate action are the following documents:

- 1. Preliminary Amendment Under 37 C.F.R. § 1.115; and
- 2. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Sterne, Kessler, Goldstein & Fox PLLC. : 1100 New York Avenue, NW : Washington, DC 20005 : 202.371.2600 f 202.371.2540 : www.skgf.com

Commissioner for Patents August 23, 2004 Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Jeffrey S. Weaver

Attorney for Applicants Registration No. 45,608

JSW/asl Enclosures

302491v1





In re application of:

Cooper et al.

Appl. No. 10/758,282 Filed: January 16, 2004

For: Method And System For

Downloading Network Data At A Controlled Data Transfer Rate (as

amended)

Confirmation No.: 5141

Art Unit: 2171

Examiner: To be assigned Atty. Docket: 2018.0050001

Preliminary Amendment Under 37 C.F.R. § 1.115

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

In advance of prosecution, Applicants submit the following amendments and remarks. This Preliminary Amendment is provided in the following format:

- (A) Each section begins on a separate sheet;
- (B) Starting on a separate sheet, amendments to the specification by presenting replacement paragraphs marked up to show changes made;
- (C) Starting on a separate sheet, a complete listing of all of the claims:
- in ascending order;
- with status identifiers; and
- with markings in the currently amended claims;
 - (D) Starting on a separate sheet, the Remarks.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned

under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 19-0036.